

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

JENNIFER N. HUEY

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Case No.: 2:07cr161-CSC

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, Jennifer N. Huey, by and through undersigned counsel, Michael J. Petersen, and pursuant to 18 U.S.C. §§ 3161(h)(2) and 3161(h)(8)(B)(I), respectfully moves this Court to continue the trial of this action from the present trial date of January 14, 2008, to allow for consideration of pretrial diversion in this matter. In support of this Motion, defendant would show:

1. Ms. Huey has been charged by information in this district with theft of government property in violation of 18 U.S.C. § 641.
2. Ms. Huey has applied for Pretrial Diversion and the Government has considered and approved that request. Undersigned counsel is of the information and belief that the case has been presented to the United States Probation Office for its determination of whether or not to accept Ms. Huey into the program.
3. Because prosecution may be deferred/diverted if pretrial diversion is granted, it is in the interest of justice to continue the trial in this matter so as to allow Ms. Huey the opportunity to pursue diversion. 18 U.S.C. §§ 3161(h)(2) and 3161(h)(8)(B)(I).
4. The Government, through Special Assistant United States Attorney, Reese Hayes, has no opposition to the granting of a continuance.

5. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, because prosecution may be deferred/diverted if pretrial diversion is granted, it is in the interest of justice to continue the trial in this matter so as to allow Ms. Huey the opportunity to pursue diversion. 18 U.S.C. §§ 3161(h)(2) and 3161(h)(8)(B)(I).

WHEREFORE, defendant respectfully requests that this Motion be granted and that this case be continued.

Dated this 20th day of December, 2007.

Respectfully submitted,

s/ Michael J. Petersen
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CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Reese Hayes, Esquire
Special Assistant United States Attorney
HQ AU/JA
50 LeMay Plaza South
Maxwell AFB AL 36112-6334

Respectfully submitted,

s/ Michael J. Petersen
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